

# **FERRYHILL TOWN COUNCIL**



## **POLICY**

### **FREEDOM OF INFORMATION**

## **1.0 Introduction**

- 1.1** This Policy outlines how the Council and all of its employees must meet the requirements of the Freedom of information Act 2000.
- 1.2** The Freedom of Information Act 2000 (the Act) provides the public with a general legal entitlement to view all recorded information held by the Town Council subject to certain exemptions. The public will have rights to view:
- all the information in the Council's Publication Scheme
  - to request all recorded information held by the Council, regardless of when it was created, by whom, or the form in which it is now held.
- 1.3** We want to show that we are an 'open' organisation committed to delivering the best possible public services. Openness helps the public to trust us and to have confidence in our ability to deliver services to them.
- 1.4** Failure to comply with this policy could have serious consequences for the Council, in the release of inappropriate material or the withholding illegally of information and the attendant adverse publicity and possible legal censure.
- 1.5** The implementation and enforcement of this policy in association with the terms and conditions of employment is intended to protect the employee, colleagues, members of the public and the Council.
- 1.6** All staff whether or not they create, receive or maintain information have responsibilities under the Act. It is the duty of all employees of the Council to ensure that they are fully aware of this Policy and their responsibilities, and they must comply with this Policy and the Council's Freedom of Information procedures.

## **2.0 Aims and Scope of the policy**

- 2.1** This policy applies to all the recorded information that the Town Council holds that is information created, received and maintained by Members and Officers in the course of their work.
- 2.2** This policy is intended to ensure everyone is aware of their responsibility under the Freedom of Information Act.

## **3.0 Who is Responsible?**

- 3.1** The Town Clerk (Freedom of Information Officer) is responsible for the dealing of all requests received and the appeals made against the decision/information provided.
- 3.2** The Appeals Sub Committee is responsible for formally reviewing any appeals made in connection with any Freedom Of Information request.

**3.3** The Council will ensure that:

- a) The Town Clerk is the nominated Officer with specific responsibility for Freedom of Information in the Council.
- b) Staff are aware of their responsibilities in compliance with the Freedom of Information Act and associated Codes of Practice.
- c) Staff are trained to an appropriate level to respond to requests for information.
- d) Procedures for handling Freedom of Information requests are clearly described.

**4.0 Guidelines**

4.1 Non adherence or disregard to any points below will be seen as a breach of this policy and the disciplinary procedure will be invoked which could result in your dismissal.

4.2 Ferryhill Town Council will:

- a) Comply with the Freedom of Information Act (FOI) 2000.
- b) Maintain a comprehensive Model Publication Scheme that provides information which is readily accessible without the need for a formal FOI request.
- c) We will respond within 20 working days to straightforward written requests. However, if necessary, this timescale will be extended to give full consideration to a Public Interest Test. If the deadline is not expected to be met, the applicant will be advised of the reasons for the delay and the anticipated reply date.
- d) Continue to protect the personal data entrusted to it, by disclosing that information only in accordance with the provisions of the Data Protection Act 1998.
- e) Keep on file a copy of the request and response.
- f) Be aware of the definition of “complex requests” and the escalation procedure and in particular that they should not refuse requests for information in whole or in part.
- g) Apply the exemptions provided in the FOI Act and, where qualified exemptions exist, disclose the information unless the balance of public interest lies in withholding it.
- h) We will pro-actively publish and make information readily available in accordance with the Publication Scheme.
- i) We will review complaints about the release or otherwise of information by

referring them to the Town Clerk and remind requestors that they can appeal such decisions to the Freedom of Information Commissioner.

- j) Ensure that all permanent and contract staff and elected members are aware of their obligations under FOI and will include FOI education in the induction of all new staff.
- k) Charge for information requests in line with the FOI Fees Regulations or other applicable regulations, including the Data Protection Act 1998.
- l) We will apply the “appropriate limit” in the regulations. Where the cost of complying with the request exceeds this we will issue a refusal notice inviting the requestor to refine their request.

## **5.0 Responsibilities**

- 5.1 The Council has a responsibility to make its recorded information available in accordance with the Act.

## **6.0 All Staff and Members**

- 6.1 Must ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means.
- 6.2 Should familiarise themselves with this policy and the Freedom of Information Act guidance which is available on the web.
- 6.3 Comply with all the conditions set out within the Act.
- 6.4 Ensure that Data Protection is not breached.

## **7.0 The Town Clerk**

- 7.1 The Town Clerk is responsible for ensuring that all staff are aware of the Freedom of Information Act and that they adhere to the guidelines within.

## **8.0 Freedom of Information Officer**

- 8.1 The Council's Freedom of Information Officer has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.

## **9.0 The Data Protection Officer**

- 9.1 The Data Protection Officer is responsible for gathering and disseminating information and issues relating to information security, the Data Protection Act and other related legislation.

## **10.0 Appeals Process**

- 10.1 Requester disagrees with the response provided:

If the requester is not satisfied with the way their request for information has been handled they then write to the Town Clerk (Freedom of Information Officer) setting out the reasons why he/she is unhappy with the response received.

This can be completed either by post or email to:

Town Clerk  
Ferryhill Town Council  
Ferryhill  
County Durham  
DL17 8JL

[dsnowball@ferryhill.gov.uk](mailto:dsnowball@ferryhill.gov.uk)

- 10.2** A meeting of the Town Council Appeals Sub Committee will then be called for a formal review of the response provided and the appeal being made by the requester.

If it is agreed that the response provided was correct then the requester will be written to notifying them of the decision and that if they are still not happy with the way that their request and appeal have been dealt with they then have a right to contact the Information Commissioner's Office (ICO), who may investigate the matter on their behalf. The ICO's contact details are:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire  
SK9 5AF Telephone: 0303 123 1113 Website: [Link to ICO website](#)

- 10.3** The ICO will decide whether they will investigate the requesters concerns and we will cooperate fully with their investigation by providing any information they request, fully and in a timely manner to assist in the swift resolution of the concerns raised.

## **11.0 Process Flowchart**

- 11.1** The Information Commissioner's Office has produced a flow chart to help in the processing of Freedom of Information requests and is attached as appendix 1.
- 11.2** This flow chart also contains a list of act exemptions at the end of the appendix.